



# City of Eugene POLICE COMMISSION

---

The Police Commission recommends to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Committee members: Juan Carlos Valle, Chair, Edward Goehring; Joe Tyndall; Bill Whalen

## **Bias Based Policing Committee**

March 3, 2014

5:00, Eugene Public Library - 100 W 10<sup>th</sup> Ave, Singer Room

<u>Item</u>	<u>Starting Time</u>
1. Agenda review and minutes approval	5:00
2. Public comments	5:05
3. Finalize panel for community forum	5:15
<ul style="list-style-type: none"><li>• Will there be a moderator, and if so, who?</li><li>• How much time is each panelist given?</li><li>• Role of Committee members</li><li>• Written script or any other information</li><li>• Confirm version of Professional Stops Policy to be distributed</li></ul>	
4. Press Release and talking points regarding Panel and Forum - Status of outstanding outreach efforts	6:00
5. Community dialogue / next meeting	6:15
6. Adjourn	6:30

Next Committee Meeting:  
TBD



**Eugene Police Commission**  
Bias Based Policing Committee  
February 19, 2014  
Community Television Studio at Sheldon High School

*These notes are intended to provide brief summary. Complete and official record can be found on video or audio recording of meeting, posted online at <http://eugene-or.gov/index.aspx?NID=1344>*

The meeting convened at 4:00.

Members in attendance: Juan Carlos Valle, Chair, Edward Goehring, Joe Tyndall, Bill Whalen. No members absent.

Staff in attendance: Carter Hawley

Mr. Valle – Will be asking the Police Commission whether the policy is specifically focused on racial profiling or larger bias based policing. Looking for a sentence that strictly prohibits racial profiling.

Mr. Goehring – Mr. Mark Gissiner, Eugene Police Auditor, attended a Human Rights Commission, where he suggested that it will take officers five minutes to fill out this information.

Mr. Tyndall – Doesn't believe it will take 5 minutes per form. He noted that the stops data collection project is similar but not the same as the work that the Commission. Concerned that there are significant number of harassment stops based on socioeconomic status.

Mr. Whalen – Noted that the draft policy states that bias based policing will not be tolerated.

Mr. Valle and Mr. Tyndall were very disappointed with process from the last police commission meeting.

#### Minutes approval

MOTION AND ACTION: Mr. Goehring moved and Mr. Valle seconded approval of the minutes as submitted. The motion was approved unanimously.

#### Community Panel discussion

Dr. Hernandez and Mr. Neubeck have confirmed as panelists. Several others are interested but have not confirmed. Confirmations are need by Friday, February 22 and will be discussed at next committee meeting.

MOTION AND ACTION: Mr. Goehring moved and Mr. Tyndall second adding a category of the chief's advisory committee to the list of panelists and the chair of the committee, Mr. Kip Leonard be invited to sit on the panel. The motion was approved unanimously.

MOTION AND ACTION: Mr. Tyndall moved and Mr. Goehring seconded adding a category policy implications. The motion was approved unanimously.

MOTION AND ACTION: Mr. Goehring moved and Mr. Tyndall seconded moving Mr. Gissiner into the policy implication category. The motion was approved unanimously.

MOTION AND ACTION: Mr. Tyndall moved and Mr. Valle seconded merging the two police categories. The motion was approved unanimously.

MOTION AND ACTION: Mr. Goehring moved and Mr. Tyndall seconded moving Mr. Fidanque to the attorney category, and be contacted as a back-up. The motion was approved unanimously.

#### April 3 Public Forum

The committee asked staff to confirm Harris Hall for meeting locations for the March 13 and April 3 meetings.

The following suggestions were made for media outreach:

- Article in the Register Guard and Eugene Weekly
- Get it in the calendar for the Eugene Weekly and Register Guard.
- Public service announcements
- Media release
- Posters
- Facebook notice
- Prominent place on City's web page
- Ask EPD media person and City media person to distribute widely
- EPD Twitter account

Each member agreed to contribute \$10 for outreach efforts.

Mr. Valle – committee members can write articles as individuals, but not as police commissioners.

Mr. Tyndall – Can provide outline of article or a robust press release.

By unanimous consent, the committee agreed that its next meeting will be Monday, March 3, at 5:00. The requested locations, in priority order are: Public library, Kilcullen Room, or the Atrium.

The meeting adjourned at 5:22.

*Notes taken by Carter Hawley*

POLICY  
402

EFFECTIVE  
DATE  
Draft 111813

DRAFT Eugene  
Police Department



## Professional Police Contacts

### 402.1 PURPOSE AND SCOPE

This policy states unequivocally that bias based profiling by the Eugene Police Department will not be tolerated. It offers guidance to sworn Department members on how to prevent such an occurrence and protections to Department members who act within the confines of the law and this policy. This policy shall apply to all sworn members who have the law enforcement authority to detain, investigate, and arrest persons, or provide law enforcement services.

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Racial profiling** – When an Officer uses race inappropriately as a primary motivator for law enforcement action, even when there is probable cause or reasonable suspicion.

**Bias-based profiling** - An inappropriate reliance on protected class characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide law enforcement service.

**Protected Class** – As defined by Eugene Code 4.613: Race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability.

### 402.2 POLICY

The chief goal for the Eugene Police Department is to reduce the threat and fear of crime in Eugene. The Department will only accomplish this by proactively deploying officers to areas of high crime, by contacting and investigating suspicious persons and circumstances, and by actively enforcing motor vehicle laws throughout the City.

While the Eugene Police Department expects its officers to make citizen contacts through observation, it is equally committed to providing equitable law enforcement services to the community with due regard for the racial, cultural or other differences of those served. The Department will provide equal protection under the law to the people we contact and provide it fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

#### 402.3 USE OF PROTECTED CLASS AS A DESCRIPTION

While stops (as defined by ORS 131.605 and ORS 131.615) for any reason other than reasonable suspicion or probable cause are strictly prohibited, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or ethnic description) when based upon the totality of the circumstances. Nor should anything in this policy be construed to prohibit an officer from initiating a conversation with any person, so long as a reasonable person would conclude that they are free to go at any time.

#### 402.4 DEPARTMENT RESPONSIBILITY

Every member of this department shall perform his or her duties in a professional, fair, and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor as soon as practicable.

##### 402.4.1 DETENTIONS

Absent any investigative information or other facts, a person's membership in a protected class will not serve as the lone justification to detain that person.

To the extent that written documentation would otherwise be completed (e.g. a custody report, Uniform Traffic Citation), the involved officer should include the facts giving rise to the officer's reasonable suspicion or probable cause for the detention.

~~Nothing in this policy requires an officer to document a contact that would otherwise not require reporting.~~ All contacts that become a stop or arrest must be reported.

If an officer is informed or perceives from a contact that the person stopped believes they have been stopped, searched, or arrested based upon bias by the officer, the officer should immediately notify a sworn supervisor and politely refer the person stopped to the responding supervisor.

##### 402.4.2 RECORDING INFORMATION ON STOPS BY POLICE

SOON THE DEPARTMENT WILL BEGIN COLLECTING RACE/GENDER INFORMATION ONCE A NEW SOFTWARE AND DISPATCHING SYSTEM IS LAUNCHED IN LATE FALL/EARLY WINTER OF 2013. WHEN THESE REPORTING PARAMETERS ARE SET, THIS SECTION WILL REFLECT THEM.

## 402.5 SUPERVISOR RESPONSIBILITY

Supervisors who are summoned to the scene where a person stopped, searched, or arrested believes they have been targeted through bias by an officer will respond to the scene and address the situation. If the supervisor determines it necessary, he or she will complete a Blue Team entry before they secure which details the circumstances of the contact and make a recommendation to their chain of command as to whether or not the complaint merits further investigation.

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the *Policy 1020 Personnel Complaints Policy*.

Supervisors should discuss any issues with the involved officer and his or her supervisor in a timely manner.

Supervisors may review ICV recordings, MDC data and any other available resource used to document contact between officers and the public to ensure compliance with this policy and document these periodic reviews.

Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

## 402.6 ADMINISTRATION

The Professional Standards Lieutenant shall review the reported incidents of Racial Profiling and be prepared to submit an overview, including the public concern and complaint, to the Chief of Police or his designee. The report should not contain any names or identifying information regarding a specific incident, complaint, citizen, or officer. It will be reviewed by the Chief of Police. The Professional Standards Lieutenant will assist the Chief in identifying any changes in training or operations that should be made to improve service.

## 402.7 TRAINING

The Department will schedule periodic training on conducting Professional Police Contacts. This training can include, but is not limited to: Constitutional protections and search and seizure, cultural diversity, de-escalation techniques, and interpersonal communications skills. The Training Manager will ensure this training is documented.